

PB# 93-29

Jim Moroney's Cycle Shop

4-1-9.22

Approved 11-30-93

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

Received of Jim Moroney's Inc September 3 1993 \$ 150.00
One Hundred Fifty and 00/100 DOLLARS
For Planning Board Application Fee 93-29

DISTRIBUTION		
FUND	CODE	AMOUNT
<u>Ch # 18314</u>		<u>\$ 150.00</u>

By Pauline H. Townsend
Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

Received of Pauline H. Townsend, T.C. September 3 1993 \$ 750.00
Seven Hundred Fifty and 00/100 DOLLARS
For Planning Board Escrow #93-29 Jim Moroney's Inc

DISTRIBUTION		
FUND	CODE	AMOUNT
<u>CP # 18315</u>		<u>\$ 750.00</u>

By Jusan Zappala
Deputy Comptroller

Title

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TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

Received of Jim Moroney's Inc. Nov. 18 1993 \$ 158.28
One Hundred Fifty-eight and 28 DOLLARS
For P.B. # 93-29 Inspection Fee

DISTRIBUTION		
FUND	CODE	AMOUNT
<u>CP # 18851</u>		<u>\$ 158.28</u>

By Pauline H. Townsend
Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
555 Union Avenue

GENERAL RECEIPT

CP# 18314		\$ 150.00

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By Jane M. Townsend
Town Clerk
 Title

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12550

GENERAL RECEIPT

Received of Pauline H. Townsend, T.C. September 3 1993 \$ 750.00
Seven Hundred Fifty and 00/100 DOLLARS
 For Planning Board Review #93-29 Jim Moroney's Inc.

DISTRIBUTION

FUND	CODE	AMOUNT
CP# 18315		\$ 750.00

By Juan Zappala
Deputy Comptroller
 Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12550

GENERAL RECEIPT

Received of Jim Moroney's Inc. Nov. 18 1993 \$ 158.28
One Hundred Fifty-eight and 28 DOLLARS
 For P.B. # 93-29 Inspection Fee

DISTRIBUTION

FUND	CODE	AMOUNT
CP# 18851		\$ 158.28

By Pauline H. Townsend
Town Clerk
 Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12550

GENERAL RECEIPT

Received of Jim Moroney's Inc. Nov. 18 1993 \$ 150.00
One Hundred Fifty and 00 DOLLARS
 For P.B. # 93-29 Approval Fee

DISTRIBUTION

FUND	CODE	AMOUNT
CP. 18852		\$ 150.00

By Pauline H. Townsend
Town Clerk
 Title

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McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

20 October 1995

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: MORONEY'S CYCLE SHOP SITE PLAN
NEW WINDSOR PLANNING BOARD NO. 93-29
SITE COMPLETION REVIEW - 10/18/95

This memorandum shall confirm my field review of the subject site on the afternoon of 18 October 1995 to determine the status of completion for key site improvements as depicted on the site plan stamped approved by the Planning Board on 30 November 1993.

Please note the following observations from our field review:

1. Addition No. 1 on the south side of the building has not been constructed at this time. Addition No. 2 on the north side of the building has been constructed and appears complete.
2. Addition No. 2 includes an overhead door at the rear side of the building. The elevation of this overhead door has been created to establish a front-load loading dock effect. I do not believe this is a significant change which would require Planning Board approval.
3. It does not appear that all the exterior lighting fixtures shown on the plan for addition no. 2 have been installed.
4. The planter row along the front of the building has not been installed. It appears that the owner has replaced same with a concrete sidewalk. It is my opinion that this would require acceptance of the Planning Board.

20 October 1995

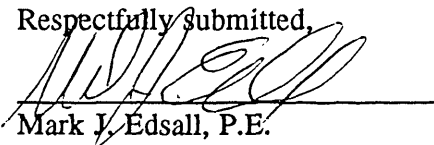
MEMORANDUM
PAGE 2

5. The front row of parking does not have the wheel stops included, as shown on the approved plan. Currently, the cars are parking up against the concrete curb island in the DOT right-of-way. I believe the property owner could seek approval of the DOT in this regard.
6. The masonry dumpster enclosure has not been constructed. It should be noted that, at the time of our visit, a significant "mess" of waste materials and pallets were piled and strewn around this corner of the property, possibly encroaching onto the adjoining property to the north.
7. The freestanding sign at the northeast corner of the property on Union Avenue has not yet been installed.
8. The property owner should be required to remove the illegal sign for "secure storage systems" at the southeast corner of the property along Union Avenue.
9. At the time of our visit, motorcycles had been placed for display along the concrete curb island along Union Avenue. This is not approved and is improper based on my understanding of DOT regulations.

Based on the above, it appears that the work at the site is not complete. As well, there appear to be conditions on the site which are improper and should be corrected by the owner.

Please advise me when the owner is ready for a follow-up review.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

cc: James Petro, Planning Board Chairman

A:10-20-E.mk

AS OF: 12/02/93

PLANNING BOARD
TOWN OF NEW WINDSOR

PAGE

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 93-29

NAME: NEW ADDITION FOR JIM MORONEY CYCLE SHOP
APPLICANT: MORONEY, JAMES

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-
09/03/93	S.P. MINIMUM	PAID		750.00	
09/08/93	P.B. ATTY. FEE	CHG	35.00		
09/08/93	P.B. MINUTES	CHG	9.00		
11/10/93	P.B. ATTY. FEE	CHG	35.00		
11/10/93	P.B. MINUTES	CHG	40.50		
11/17/93	P.B. ENGINEER FEE	CHG	221.00		
11/30/93	RETURN TO APPLICANT	CHG	409.50		
		TOTAL:	750.00	750.00	(

*Please issue a check in the
amount of \$409.50 to:*

*Jim Moroney, Inc.
813 Union Ave.
New Windsor, N.Y. 12553*

-----X

In the Matter of the Application of

JAMES MORONEY

DECISION
GRANTING AREA
& SIGN VARIANCES

#93-41.

-----X

WHEREAS, JAMES MORONEY, 813 Union Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for the following variances: (1) 26 ft. side yard, (2) 44 ft. total side yard, (3) 15.75 maximum building height, (4) 36 parking spaces, (5) 60 s.f. sign area for freestanding sign, (6) 98 s.f. sign area for wall sign, (7) one freestanding sign to allow a total of two freestanding signs in a zone where only one freestanding sign is permitted, and (8) five wall signs to allow a total of six wall signs in a zone where only one wall sign is permitted, in order to construct two (2) additions to his motorcycle shop located at 813 Union Avenue in a C zone; and

WHEREAS, a public hearing was held on the 25th day of October, 1993, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant was represented at said public hearing by Greg Shaw P. E. of Shaw Engineering, who spoke in support of the application; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations relating to side yard, total side yard, maximum building height, minimum number of off street parking spaces, sign area for freestanding signs, sign area for wall mounted signs, total number of freestanding signs, and total number of wall mounted signs in order to construct two additions to his principal building at the Union Avenue location in a C zone.

3. The evidence presented by the applicant substantiated the fact that variances for less than the allowable side yard, total side yard, more than the allowable building height, less than the minimum number of required parking spaces, more than the

allowable sign area for freestanding signs, sign area for wall signs, total number of freestanding signs and total number of wall signs all would be required in order to allow the construction of the two additions to the principal building at applicant's location; the first addition to square off the southeasterly corner of the existing building and will enclose approximately 1,247 s.f. and the second addition to be located to the north of the property and will enclose approximately 3,136 s.f.

4. The evidence presented on behalf of the applicant indicated that the applicant purchased the subject lot in 1973 and that the lot size has remained unchanged at least since that time. The premises were zoned GB at the time of the applicant's purchase of the same, and later were rezoned to OLI, and still later were rezoned to the present C zone.

5. The evidence presented by the applicant's representative further indicated that on January 3, 1973 this Board granted a use variance to permit the applicant to conduct motorcycle sales, service and parts business at this location. Later, on March 11, 1985, this Board granted two area variances, to wit, a 42 ft. side yard variance and a 12 ft. building height variance, to permit the now-existing structures on the subject premises.

6. The evidence presented by the applicant's agent indicated that the applicant, in order to remain competitive in the motorcycle business, decided to add a new line of motorcycles (Yamaha) to his inventory. The addition of a new line of motorcycles created a need for additional space for display, inventory and additional signage in order to advertise the existence of the several brands of motorcycles available at this location.

7. The evidence presented by the applicant's agent indicated that the neighborhood surrounding the subject site is devoted to mixed uses. The properties in the neighborhood of the subject site which front on Union Avenue, a four-lane highway, are used for a restaurant, motel, Town of New Windsor Garage, office building, vacant lot and gasoline filling station and service repair garage. The aforesaid mixed uses are all along the west side of Union Avenue. The New York State Thruway runs to the rear of the lots fronting on the west side of Union Avenue. The east side of Union Avenue is undeveloped and is part of the watershed for Washington Lake, the City of Newburgh's water supply.

8. It is the finding of this Board that the proposed additions to the principal building, which will be devoted to a use permitted in the C zone, will expand the scope of the applicant's motorcycle sales, service and parts business, but will not generate substantially greater impacts on the neighboring properties than are presently generated by the applicant's operation on the site.

9. The evidence presented by the applicant's representative substantiated the fact that there were no economically feasible alternatives to the proposed additions for which the applicant

seeks variances. Although the applicant finds himself in a position in which he must expand his building to remain competitive, he cannot afford to purchase additional land, if in fact such land is available at all, to accommodate the addition.

10. The proposed additions cannot be located in alternative positions on the site without creating the need for variances which are at least as great, or greater than those which are sought on this application, or without incurring a prohibitive expense. This applicant cannot expand significantly to the front without creating the need for a substantial front yard variance. The applicant cannot expand to the rear without a substantial excavation of the steep slope to the rear, and the creation of retaining walls. This alternative is deemed to be too expensive and may create the need for area variances anyway.

11. The applicant's proposed addition at the southeast corner of the existing building would not extend any closer to the side property line than the existing covered storage area on that side of the building. The proposed side yard, total side yard, and maximum building height variances created by the proposed addition do not differ dramatically from the earlier area variances granted for the site. The applicant's operations on the site apparently have not generated any adverse impacts on the neighborhood since no one appeared at the public hearing to object to the requested variances.

12. It is the finding of this Board that, given the constraints of the site, the proposed location for the additions to the principal building are the only practical and suitable locations therefore and have the least adverse impacts on the neighborhood and the applicant.

13. Given these factors, it is the finding of this Board that the proposed additions will not have an adverse effect on property values in the neighborhood.

14. In considering this application, this Board finds that the applicant's use of the site is more akin to a retail store, in considering the applicable bulk regulations, than to a motor vehicle sales, repair and service establishment. Both are uses permitted by right in the C zone (although the applicant's use of the site, for motorcycle sales, service and parts pre-exists the rezoning to C pursuant to the January 3, 1973 use variance). Clearly the applicant is operating a motor vehicle sales, repair and service establishment. However, it is the finding of this Board that the greater bulk requirements of that use (and the lower minimum number of off street parking spaces) are more applicable to an establishment devoted to sales of cars and trucks, than to motorcycles. The bulk of the stock in trade at a car and truck dealer is stored out doors. The applicant stores all of his stock in trade of motorcycles indoors. Consequently the applicable bulk regulations for a retail store seem more appropriate and are applied here.

15. The aforesaid finding of the Board reduces most of the bulk requirements for the applicant, with the relevant exception of maximum building height and the minimum number of off street

parking spaces, both of which are dramatically increased. the marginal increase in the maximum building height variance above the previously granted maximum building height variance is not deemed to be a significant impact since the applicant is merely enclosing an existing covered storage area, not creating a higher building.

16. The substantial variance requested for the minimum number of off street parking spaces is found to be warranted here solely because of the applicant's use of the site for motorcycle sales, service and parts. Consequently the variance herein granted of 36 parking spaces, to allow the applicant only 22 offstreet parking spaces where 58 are required is conditioned on the site being used for motorcycle sales, service and parts. It is not the intention of this Board to allow such a substantial parking space variance for general retail sales on the site.

17. A review of the application and the site plan submitted therewith disclosed a patent error in that the applicant erroneously calculated the need for a 26 parking space variance when a 36 parking space variance was required. Despite this mathematical error, this Board clearly understood applicant's proposal, which generated no opposition, and herein grants a 36 parking space variance which the applicant should have requested in his application.

18. The evidence presented by applicant substantiated the fact that the variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the applicant's use is consistent with the character of the neighborhood. The motorcycle dealership has been located in the area since 1973 and since there were no spectators appearing at the public hearing, this was a good indication that adjacent neighbors do not harbor adverse opinions regarding the applicant's present operations or its proposed construction.

19. The evidence presented by applicant's agent indicated that applicant is seeking sign variances for free-standing signs and wall signs on a piece of commercial property located on one of the most highly traveled roadways in the town. The speed limit allows vehicles to travel at approximately 45 m.p.h. as they traverse this relatively busy highway which links the Town of New Windsor with the Town of Newburgh. Since applicant has added another line of products to his existing lines of motorcycles, applicant feels that the only way the traveling public may be apprised of this fact is by additional logo signage which is typical of the aforementioned competitive industry. Therefore, applicant feels that the additional signage is required under the circumstances.

20. Given the applicant's site on a busy highway, not far from its intersection with NYS Route 207, which is the major access artery to Stewart International Airport, it is absolutely essential that the applicant have clear signage which quickly identifies the applicant's business at the site.

21. Although the sign area and number of sign variances

requested by the applicant are quite substantial, it is the finding of this Board that the proposed signage is fair and adequate for the applicant's use, given the condition of the neighborhood and the heavily traveled roads in the area.

22. The evidence presented showed that the proposed signage will facilitate ready identification of the applicant's business by passing motorists.

23. The subject parcel is located in a commercial zone and all nearby commercial properties have signs to promote their businesses, including similar freestanding and wall signage, many of which are larger and/or greater in number than what is permitted in the C zone.

24. It is the finding of this Board that the requested variance for side yard, total side yard, maximum building height minimum number of off street parking spaces, sign area for freestanding signs, sign area for wall mounted signs, total number of freestanding signs, and total number of wall mounted signs are not unreasonable and will not adversely impact the public health, safety and welfare.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The parcel is presently being used for uses permitted by right in the C zone and the proposed construction will enlarge a permitted use and is consistent with the character of the neighborhood. The proposed signage also is consistent with the character of the neighborhood.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances for side yard and maximum building height are not substantial in relation to the bulk regulations given the fact that they represent only a marginal increase over previously granted variances and the additional impact resulting therefrom is negligible. The requested variances for total side yard, minimum number of off street parking spaces, sign area for freestanding signs, sign area for wall mounted signs, total number of freestanding signs, and total number of wall mounted signs, are substantial in relation to the bulk regulations. However, the Board has concluded that the granting of the requested substantial variances are warranted here because the site is used in conformity with the character of the neighborhood and represents a reasonable balancing of the applicant's need to expand, identify and promote its business on the site and the need to protect the health, safety and welfare of the public, considering the location of the site on a well traveled highway near a busy intersection.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the

neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is partially self-created. The lot size and its siting on a narrow commercial strip between well defined boundaries are factors which long predated the instant application and are not in the nature of self-created difficulties. The applicant's development of the site, pursuant to previous variances granted by this Board, has now put the applicant in a position where further expansion is creating the need for even greater variances. This is a self-created difficulty which the applicant is seeking to overcome in the appropriate manner by submitting the instant application. It is the finding of this Board that the granting of the additional variances sought herein is warranted because the development of the area and the applicant's use of the property are consistent with each other and do not adversely impair the public health, safety and welfare.

6. It is the finding of this Board that the benefit to the applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested variance.


NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 26 ft. side yard variance, 44 ft. total side yard variance, 15.75 ft. maximum building height variance, 36 parking space variance to allow a total of 22 parking spaces in a zone, and for a use group where 58 is the minimum number of off street parking spaces, and the aforesaid 36 parking space variance is granted SUBJECT to the condition that the site continue to be used for motorcycle sales, service and parts, i.e. its present use, and such 36 parking space variance specifically is not herein granted for general retail sales on this site, a 60 s.f. sign area variance for freestanding signs, 98 s.f. sign area variances for wall signs, a variance for one freestanding sign to allow a total of two freestanding signs in a zone where only one freestanding sign is permitted, and a variance for five wall signs to allow a total of six wall signs in a zone where only one wall sign is permitted, all for construction of two additions to the principal building at the Jim Moroney Cycle Center at the above location in a C zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 10, 1994.


Chairman

(ZBA DISK#9-121593.JM)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93 - 29

DATE PLAN RECEIVED: NOV - 3 1993 Rev. 1

The maps and plans for the Site Approval Mormey
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ✓
disapproved _____.

If disapproved, please list reason _____

Fred Lipp Jr. 11/15/93
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

October 25, 1993

47

MORONEY, JAMES

MR. NUGENT: Request for 26 ft. side yard, 44 ft. total side yard, 15.75 maximum building height, 26 parking area variances and sign variances in order to construct addition at Moroney's Cycle Center on Union Avenue in a C zone.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this application.

MR. LUCIA: If I can add one thing, the agenda item I believe did not refer to specifics of your sign variance question so just so we have them on the record at the outset of the public hearing, looks like sign number one is looking for a 60 square foot variance request that is freestanding sign number one. Sign number 2, which is a wall sign requires a 98 square foot variance, total sign, total freestanding sign, I'm sorry, we need a variance for one sign as they are two signs, only allowed one, so we need a variance for one freestanding sign and wall signs, it appears that there are 6 wall signs, only one is permitted so that is a variance for 5 wall signs.

MR. TORLEY: Where are the signs?

MR. SHAW: Ask and you shall receive. Pass them around. Maybe what I'd also like to pass out, going through the file, those photographs were taken today may I add and they are to support the application before you. What I also have are photographs. When I last appeared before this board for this applicant was in 1985 and you'll see that the signs that we're requesting the variances for today were existing back in 1985 so they have been around for a while. And what I have done on this form is I've delineated each and every sign both with respect to its name and its dimensions and its total area so the record should be very clear as to what signs we're asking a variance for and what we're permitted. As your attorney presented before you, we're asking for 4 variances. Variance number one being a side yard setback one, we're required to provide 30 feet, we're providing 47 feet, a side yard setback both, we're required to provide a

total of 70 feet, we're providing 26, a maximum building height we're allowed only one foot three inches, which is based upon four inches per foot to the nearest lot line and again we're requesting a variance for 15 feet 9 inches and the final is on parking, what we're requesting is a variance of 26 spaces, we're required to provide 28 and we're providing 22. When we were before this board, I believe it was four weeks ago, we discussed the additions as are reflected on the site plan and whether or not the, just group A1 would be appropriate that being for retail stores or another use group that being for motor vehicle sales would be appropriate and the board directed me to use the A1 retail stores and that is what the denial from Mike Babcock's office represents. What we're proposing are 2 additions, addition number one is 1,247 square feet and that is to the south side of the building and addition number two, which is on the north side of the building is 3,136 feet. You'll notice and I've presented a schedule and the zoning schedule delineating the retail space and a warehouse space both for the existing facility, the new additions and totals so you'll be able to get a feel for the type of facility that Jim Moroney Cycle Shop exists. In going over the criteria for the granting of a variance, there are 5 points and you have mentioned them to other applicants also tonight and a couple of them deal with the character of the neighborhood, whether there will be an undesirable change or whether it will be an adverse impact on the physical or environmental conditions. I had an opportunity today to take a close look at that area, that being from where Steak and Stein is at the Town of Newburgh Town of New Windsor line to the Mobil Station to Route 207. That is approximately 2,500 lineal feet that is in the Town between those two extremities. On opposite or to the east of the site, we have Washington Lake, which is the water supply of the City of Newburgh so that identifies the character of the neighborhood. To the west, we have New York State Thruway so we're pretty much dealing with just the strip of Union Avenue in that 2,500 feet, we have Steak and Stein, we have I believe it's the Town of New Windsor Garage, we have an office building and we have Moroney's and then we have the Mobil Station. That is all within 2,500 lineal feet,

it's not a very well developed area. In fact, the parcel to the immediate south of the Moroney Cycle Shop is a vacant parcel of land and that to the immediate north is an office building so we feel that requesting for these variances will not change the character of the neighborhood nor have a significant impact. This application was last before your board for other variances in 1985 and I bring up this information just to support our claim for the variances tonight and in 1985, this Zoning Board of Appeals determined that it was appropriate to grant a 42 foot side yard setback for one setback and tonight we're asking for a variance substantially less than that, we're asking for a side yard of 26 feet, as I said and that is considerably less than the 42 feet this board granted in 1985. Also in that year '85 the board granted a 12 foot variance to the building height. We're asking for a variance of 15.75 feet. Again, the point being that the character of the neighborhood is established really has not changed since 1985 and the board felt it was appropriate in '85 to grant those two variances and I hope that you come to the same conclusion tonight. Going back just a little bit further, the lot was originally built on in 1973, that is when Mr. Moroney owned and constructed the initial building which was approximately 10,000 square feet. At that point in time, he got a use variance. The zoning at that time was OLI and I believe it remained OLI up until recently a couple years ago where it's now in a C zone. So, with that, that is a brief overview of the history of this site, the ownership, the variances and the previous variances and the variances before you. And I'd be happy to entertain questions you might have.

MR. LUCIA: Greg, if you don't mind, I know it's in your application but just have a layout orally some of the other requirements of 267B specifically can the benefit which the applicant seeks be achieved by some other method feasible for the applicant to pursue other than an area variance.

MR. SHAW: No. Mr. Moroney has reached a point where in order to be competitive in the industry, that he is in he had to bring on a new line and that would be for the Yamaha and the lot is established, it was

established back in 1973 and the only way to expand it is not upward, especially with his type of business is to expand outward. And it is not feasible at this time to contemplate the purpose of additional property from adjacent neighbors just to offset variances.

MR. LUCIA: Can the request, is the requested area variance substantial in that is in terms of numbers?

MR. SHAW: Is the requested area variance substantial, no, it is not substantial. Again, the neighborhood being what it was eight years ago, we are requesting a side yard variance of, bear with me again of 26 feet, it was not substantial at least this board did not determine it to be substantial in 1985 when 42 feet was granted. And I may point out that the addition which is probably causing the greatest constraint which is addition number one only meets the building line of a present covered storage area which is also so we're not approaching anymore, we're just building to the face of the structure which presently exists.

MR. LUCIA: Will the proposed variance have an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

MR. SHAW: We don't feel that it will have an adverse impact at all on the district. Again I described the neighborhood that being relatively undeveloped land with the Thruway one side, the watershed to the other and what we're proposing are 2 relatively small additions, one being 1,200 square foot in area and the other being 3,200 square feet in area relatively small in size.

MR. LUCIA: The marginal increase in the applicant's operation will not substantially impact the environment or the neighborhood?

MR. SHAW: Absolutely not.

MR. LUCIA: And finally, is this condition self-created?

MR. SHAW: Is this condition self-created?

MR. LUCIA: Or the difficulty the applicant faces, is that self-created?

MR. SHAW: No, we don't believe it was self-created. It was created when the lot was originally established prior to 1973. There was a certain amount of area in which you can use on this parcel, it's a little over an acre, a building was originally constructed on an it's been expanded over time, over the years. We cannot purchase additional property and to curtail his business and if you wanted to bring the other line, force him to move, we don't feel that is self-created, it was established just as he has come to live with it so has New Windsor through the variances the board has granted over the years.

MR. LUCIA: Is there an alternate location for the additions which would be suitable to the applicant that might generate no variance or smaller variances than you are requesting now?

MR. SHAW: No, there's only two directions to move, one is towards Union Avenue and I believe we're required to provide 60 foot front yard setback presently we're providing 66 so to take that 3,000 square foot of area and move it to the east, we'd be creating another variance in that respect and the property to the rear it's quite a steep embankment, it's not physically feasible to build an addition in the back area without substantial cost for earth removal and retaining walls and again, that side yard setback we're presently providing is 53 feet and we're required to provide 30 feet. So again, more than likely if we were to take this 24 foot width and put it to the rear of the building, we'd be very close of encroaching on that rear yard setback independent of the cost it would be to construct that addition.

MR. LUCIA: That additional cost would make it uneconomical to put the addition in the rear?

MR. SHAW: Absolutely.

MR. LUCIA: Thank you very much.

MR. TANNER: Greg, is there anyplace we can pick up additional parking spaces in the back?

MR. SHAW: I don't think so. It's a good point. When I was before this board four weeks ago, the proposal before you was that we were looking at a use group for motor vehicle sales, motor vehicle sales, we required one space per one thousand square feet. If you walk into his facility, there's a retail area, there are counters, there are small Harley Davidson items to be purchased. The bulk of this floor is motorcycles, just motorcycles from one end of the building to the other. Practically, that in my opinion is motor vehicle sales which requires a substantially less number of parking spaces. The board felt it was more appropriate to stick to the A1 use group which made us provide one space for every 350 square feet of floor area which practically took the number of parking spaces that were required to provide when we went from motor vehicle sales to retail and double it from a practical point of view, we really don't need additional parking spaces. And the reason that we're showing this greater substantiation is to comply with this board's wishes for retail sales.

MR. LUCIA: I had a conversation with Mark Edsall and he suggested that I present to the board the possibility that I may want to condition this variance on the applicant maintaining this particular use of the property and his analysis are there and I commend it to you is that since we took this as kind of a hybrid operation and put it in the column for retail sales, we're happy with the layout he now has for motorcycles sales. If it were to shift to a different retail sales operation, we might not want to be burned by the parking parameters and the other things we have established be applied assuming it was just for motorcycle use so it probably is a good condition to put on the variance if it is the board's wishes.

MR. SHAW: I can stand before this board and tell them that the number of parking spaces shown is appropriate for this particular use. If you were to just make it pure retail, a strip mall or something of that nature

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the parking would not be sufficient and I think it's a good point to have that in the record.

MR. NUGENT: There's a big variance in the building height, is that because of this one?

MR. SHAW: Correct, that is because the four feet which exists which will exist again the new addition and the property line which presently exists between this structure and the property line again it's 4 inches times four feet which is 16 inches which is your 1.3 feet.

MR. NUGENT: I'll accept a motion. Did we have any public?

MS. BARNHART: No.

MR. NUGENT: We have to open it up to the public and seeing that there's no one here from the public, we'll close it and I'll accept a motion from the board.

MR. TORLEY: Move we close the public hearing.

MR. TORLEY: I move we grant the variances.

MR. TANNER: Second it.

MR. LUCIA: Do we want to condition that on the maintenance of the present use of the property?

MR. TORLEY: Absolutely.

MR. HOGAN: With regard to the parking.

MR. LUCIA: Do you want to limit it to parking for all purposes?

MR. HOGAN: I think just the parking.

ROLL CALL

MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE

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MR. TANNER	AYE
MR. NUGENT	AYE

9/93

REGULAR ITEMS

MORONEY CYCLE SHOP SITE PLAN (93-29) - UNION AVENUE

Gregory Shaw, P.E. of Shaw Engineering appeared before the board for this proposal along with Mr. Pat Moroney.

MR. PETRO: We do not have our comments from Mark because he's not here, if you want to do your presentation, we can get that part started then he will have to wait.

MR. SHAW: First, I'd like to start with the fact that it is always a pleasure to come before this board. I initially came before this board I think about three months ago with this application showing the potential construction of 2 additions on the site of Jim Moroney's Cycle Shop. One addition being approximately 1,250 square feet on the southerly side of the project, an addition designated as number 2 on the northerly side of the project that being 3,136 square feet. As the board might remember, we were a little bit deficient with respect to the bulk table of the zoning. Whereupon we made application to the Zoning Board of Appeals and obtained variances for a side yard setback of one, a side yard setback of both and a building height and a variance for parking spaces. That in addition to a variance for signage was obtained from the Zoning Board of Appeals on October 26, 1993. I may point out if you look at the zoning table that we were required to provide 58 parking spaces, we're only providing 22, that leaves a deficiency of 26 spaces. Please don't make that a concern of yours. When I initially came before this board, the proposal was that the bulk square footage of the facility was really motor vehicle sales. If you are walk into the facility, you'll see there's a substantial area which the motor bikes are on display. When we made that proposal to the Zoning Board of Appeals, they understood that but they felt it was more appropriate to get the variance for retail, this is not a retail establishment even though the ZBA felt it should been treated as such. Therefore, we went for a variance for the 26 spaces and they felt very comfortable with that

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proposal and granted the variance for those number of spaces so when you look at the site plan, please don't feel that we're substantially deficient, just that definition of terms that they felt that we should go in for a variance for a retail operation as opposed to motor vehicle sales. The parcel I'm sure you're all aware is on Union Avenue, it is in a C zone and the minimum lot area is 40,000 square feet. This parcel is in excess of that, it is 4,000 square feet. The site improvements are pretty much as they exist today. There will be parking in front of the building. There will be parking adjacent to Union Avenue, a substantial distance from the curb cuts which presently exist. These curb cuts were installed by the New York State DOT when Union Avenue was widened and approved. Therefore, I did not make any application to the DOT for any highway work permit cause none was necessary. The reason for the two additions is to expand the display area for Jim Moroney's Cycle Shop. They'd like to take on a new line of Yamaha cycles. To do that, they need more floor display area, a little bit more warehouse in the back thus establishing the size of addition number 2. Very simple.

MR. VAN LEEUWEN: What are they going to use addition number one for?

MR. MORONEY: That is where we going to put the bikes in for service.

MR. DUBALDI: Like a prep area?

MR. MORONEY: Basically that is not even going to be enclosed, maybe just a roof on. Right now, when we pull the bikes out of the service area and it's raining out, it rains on the customer's \$15,000 Harley and they are not too happy with that so we're just going to put a little roof on that area so when we push the bikes out in the weather, that they are covered.

MR. PETRO: On one of your comments, you mention the dumpster enclosure is in the front of the building. Evidently it's been there for quite a while. You don't have it in the back of the building? What's the side yard setback by the way on the north side, 22 feet, I

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PENGAD CO., BAYONNE, NJ 07002 - LASER BOND-A

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see it on the top here.

MR. SHAW: Correct.

MR. PETRO: Is there a reason why it's not behind the building?

MR. SHAW: The reason I have it indicated there that is where it is physically located now. I would think if you want to relocate it to the rear of the building that would not be a problem, would it Pat, if we were to take the refuse and bring it to the rear of the building?

MR. MORONEY: I was going to bring it over there, it's closer to UPS dropoff where most of the--

MR. SHAW: That can be addressed.

MR. LANDER: What's the building going to be made out of?

MR. SHAW: Similar construction to the existing building. I believe it's partially masonry block, a lot of display window and steel skin on the upper, on the side walls and the upper mansard.

MR. LANDER: Normally, what we do are the refuse enclosure, make it compatible with the building material that you use with this addition. That is what we'd be looking for in the rear area of the building.

MR. SHAW: When you say made out of the same material that the building, I would think that your preference would be masonry as opposed to some type of steel skin.

MR. LANDER: Yes, masonry. Now you're saying addition number one doesn't have a roof on it?

MR. SHAW: Addition, Pat, will addition number one have a roof?

MR. MORONEY: Yes, that is going to be down the road a ways, if we ever do anything with that, it's going to be just a small roof, shed type.

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MR. VAN LEEUWEN: In other words, just going to be covered with a roof and maybe one side in front will be open?

MR. MORONEY: Yes, I don't see enclosing it, heating it and using it.

MR. DUBALDI: So there will be no walls on the two sides?

MR. MORONEY: I don't see that happening, no.

MR. PETRO: Is there a concrete pad there now?

MR. MORONEY: Yes.

MR. SHAW: We treat it as a structure so if you ever want to enclose it, the approval process will be behind us.

MR. BABCOCK: I think we should leave that cause it really doesn't matter. He can close that or not close it so I don't think he should lock himself in to just a roof so if he'd ever want to close it, he would be able to. You should leave that option open.

MR. SHAW: Yes, sure.

MR. PETRO: How did we wind up with a 4 foot setback on the side? Did this building precede zoning?

MR. SHAW: Presently, you have a covered storage area.

MR. PETRO: Probably just added on?

MR. SHAW: And what happened when we researched the records, it wasn't clear whether or not a building permit or approval was ever granted for us so to clean the record we went before the Zoning Board of Appeals to have get a variance for the one side yard that being four feet which not only legitimized addition number one but also legitimized the existing storage area, am I correct?

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MR. BABCOCK: Yes, that is correct.

MR. PETRO: There's not much you can do behind the building, it gets pretty steep.

MR. MORONEY: I'd have to dig out a ton of real estate.

MR. SHAW: It's quite steep.

MR. VAN LEEUWEN: The only thing I see wrong is that the refuse thing should be shown on the map and as far as I'm concerned, go ahead and approve it. I have no problem with it otherwise.

MR. PETRO: You'll have all the zoning variances be put on the map?

MR. SHAW: Yes, they are.

MR. PETRO: Good job, not too many people do that.

MR. VAN LEEUWEN: Has lead agency been declared? I make a motion to declare lead agency.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the Town of New Windsor grant lead agency to Moroney Cycle site plan on Route 300. Any further discussion? If not, roll call.

MR. VAN LEEUWEN: One thing I want to ask is there any oil? Where is the oil, the waste oil facility in this building?

MR. MORONEY: Right now, it's in the southwestern corner of the building underneath that overhang in the southeasterly corner.

MR. SHAW: That would be over--

MR. VAN LEEUWEN: What do you store it in?

MR. MORONEY: 55 gallon drums.

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MR. VAN LEEUWEN: When we declare ourselves lead agency, if there is an oil spill, we might have a problem.

ROLL CALL

MR. DUBALDI	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. DUBALDI: Make a motion we waive the public hearing.

MR. LANDER: Second it.

MR. PETRO: Motion has been made that the New Windsor Planning Board waive the public hearing on Moroney site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. DUBALDI	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Negative dec? Make a motion.

MR. VAN LEEUWEN: I so move.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec on the Moroney site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. DUBALDI	AYE
MR. LANDER	AYE
MR. PETRO	AYE

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MR. PETRO: Planning Board should require that a bond estimate be submitted in accordance with paragraph A 1 G of Chapter 19 of the New Windsor Town Code so you can set that up and get that taken care of.

MR. SHAW: Fine.

MR. PETRO: So the only objection I guess is the dumpster being located in the rear of the property and that it be constructed of the same material as probably the bottom half of the addition which would be a masonry brick.

MR. VAN LEEUWEN: I'd like to see that on the map and then approve.

MR. SHAW: We'd be happy to provide it.

MR. LANDER: Are these bumper blocks going to be in the middle of this parking lot, these in the front of the--

MR. SHAW: They are going to be part of the new improvements, they'll be on our property.

MR. LANDER: They'll be there?

MR. SHAW: Yes, it's going to be in the bond.

MR. PETRO: Blacktopping is going to end where as far as the side yard, we do have municipal fire verbally an approved today which is pretty close.

MR. VAN LEEUWEN: It's got to be blacktopped, they said existing macadam.

MR. BABCOCK: It's all existing blacktop right now.

MR. SHAW: There's no new blacktop, all the blacktop is existing.

MR. PETRO: New gravel surface that would be on the side. The point I'm making if Mr. Rogers didn't have a problem with the gravel, it's going to be a roadway for deliveries and garbage pick up, I don't, we don't have a problem with that right on the side I'm talking

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about?

MR. VAN LEEUWEN: No, I don't have a problem with that.

MR. LANDER: No, now you have verbal from the fire department?

MR. PETRO: It says verbal. Who took the verbal?

MRS. MASON: Me.

MR. PETRO: Myra did.

MR. DUBALDI: Make it subject to.

MR. PETRO: Well, the plans won't be signed or stamped until we have it in the jacket.

MR. EDSALL: First an apology for being a little late. I was at another board meeting that was called at another Town but relative to this plan, I would suggest that you leave the option of placement of those appears to be 9 wheel stops, leave that optional. If the State DOT accepts them not being installed and the parking or at least can be relocated let's say on to the right-of-way, that they have that ability if the State acknowledges it and approves it because I believe I think it was you, Ron, who brought up that those wheel stops, quite a distance in from the improvements that the State constructed and it looks a little foolish.

MR. SHAW: I understand it but it would be foolish parking on the State property.

MR. EDSALL: You're right, this is the way the plan should be shown. In the field Don Green or Bill Elgie accepts those wheel stops being put in a more sensible location, that we be flexible for our inspection.

MR. SHAW: That is a good point.

MR. EDSALL: So as long as the board has no problem with that, we'll work with Greg in the field and Don Green and make it I think more sensible.

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MR. PETRO: I want to go one more step further with the fire inspector, we have original approval before the zoning on September 3, 1993 and that we have in writing so now we also have the verbal to confirm that.

MR. BABCOCK: I don't think this plan has changed since zoning was written.

MR. PETRO: I think it's the exact same plan just went to zoning.

MR. EDSALL: Bob Rogers and Rich Hotaling were at work sessions and had no problem with the layout.

MR. PETRO: Can we have a motion? Or some action?

MR. LANDER: Motion to approve the Moroney Cycle site plan with the stipulation Mark's comments here the moving of the dumpster and the fire department having something on record, bond estimate.

MR. VAN LEEUWEN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Moroney Cycle Shop site plan on Union Avenue subject to the dumpster enclosure being shown on the map in the rear of the property made of the same material as the building, bond estimate be given to the Town of New Windsor under the the paragraph that I earlier mentioned A1G of Chapter 19 of the Town Code and also that we have a final letter together along with the verbal approval from the New Windsor Fire Inspector. Any further additions or corrections at this time?

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. DUBALDI	AYE
MR. LANDER	AYE
MR. PETRO	AYE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: MARONEY'S CYCLE SITE PLAN
PROJECT LOCATION: NYS ROUTE 300 (UNION AVENUE)
SECTION 4-BLOCK 1-LOT 9.22
PROJECT NUMBER: 93-29
DATE: 10 NOVEMBER 1993
DESCRIPTION: THE PROJECT INVOLVES TWO (2) PROPOSED BUILDING
ADDITIONS TO THE EXISTING BUILDING ON UNION
AVENUE. THE APPLICATION WAS PREVIOUSLY REVIEWED
AT THE 8 SEPTEMBER 1993 PLANNING BOARD MEETING, AT
WHICH TIME A REFERRAL WAS RECOMMENDED TO THE
ZONING BOARD OF APPEALS.

1. To my understanding, the Zoning Board has classified this use as retail sales and has applied retail and warehouse parking requirements. Further, based on these classifications, the Zoning Board of Appeals has granted both area variances for the site plan development and a variance for necessary off-street parking. In addition, the Applicant obtained variances relative to permitted signs for the site.
2. The site plan appears generally acceptable; however, it should be noted that the access aisle between the 90 degree parking spaces is slightly less than the normally desired 24' aisle. Given the site constraints, this appears to be an item which cannot be increased without the elimination of the building landscaping planter (which may not be desirable).
3. The indicated location for the refuse enclosure, at the front of the site, may not be the most desirable location. The Board should review this aspect of the proposed development.
4. The Planning Board may wish to assume the position of Lead Agency under the SEQRA process.
5. The Planning Board should determine, for the record, if a Public Hearing will be necessary for this Site Plan, per its discretionary judgement under Paragraph 48-19.C of the Town Zoning Local Law.

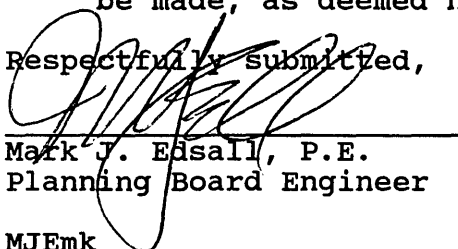
TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

-2-

PROJECT NAME: MARONEY'S CYCLE SITE PLAN
PROJECT LOCATION: NYS ROUTE 300 (UNION AVENUE)
SECTION 4-BLOCK 1-LOT 9.22
PROJECT NUMBER: 93-29
DATE: 10 NOVEMBER 1993

6. The Planning Board may wish to make a determination regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
7. The Planning Board should require that a bond estimate be submitted for this Site Plan in accordance with Paragraph A(1)(g) of Chapter 19 of the Town Code.
8. At such time that the Planning Board has made further review of this application, further engineering reviews and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:MARONEY.mk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/02/93

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 93-29

NAME: NEW ADDITION FOR JIM MORONEY CYCLE SHOP
APPLICANT: MORONEY, JAMES

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
11/30/93	PLANS STAMPED	APPROVED
11/10/93	P.B. APPEARANCE . RELOCATE DUMPSTER: BOND ESTIMATE DUE:	LA:ND WVE P.H.-APPRD APPROVED
09/08/93	P.B. APPEARANCE	REFER TO Z.B.A.
09/01/93	WORK SESSION APPEARANCE	LEFT NEW PLAN
08/04/93	WORK SESSION APPEARANCE	READY FOR SUBMITTAL
04/21/93	WORK SESSION APPEARANCE	REVISE & RETURN

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/30/93

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 93-29

NAME: NEW ADDITION FOR JIM MORONEY CYCLE SHOP
APPLICANT: MORONEY, JAMES

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	09/03/93	MUNICIPAL HIGHWAY	11/05/93	SUPERSEDED BY REV1
ORIG	09/03/93	MUNICIPAL WATER	11/05/93	SUPERSEDED BY REV1
ORIG	09/03/93	MUNICIPAL SEWER	09/20/93	APPROVED
ORIG	09/03/93	MUNICIPAL SANITARY	11/05/93	SUPERSEDED BY REV1
ORIG	09/03/93	MUNICIPAL FIRE	09/08/93	APPROVED
ORIG	09/03/93	PLANNING BOARD ENGINEER	11/05/93	SUPERSEDED BY REV1
REV1	11/05/93	MUNICIPAL HIGHWAY	11/15/93	APPROVED
REV1	11/05/93	MUNICIPAL WATER	11/15/93	APPROVED
REV1	11/05/93	MUNICIPAL SEWER	/ /	
REV1	11/05/93	MUNICIPAL SANITARY	/ /	
REV1	11/05/93	MUNICIPAL FIRE	11/15/93	APPROVED
REV1	11/05/93	PLANNING BOARD ENGINEER	/ /	

APPLICATION FEE (DUE AT TIME OF SUBMITTAL)

\$ 150.00 Pd

PLAN REVIEW FEE: (APPROVAL)

PLAN REVIEW FEE (MULTI-FAMILY): A. \$150.00
PLUS \$25.00/UNIT B. _____

TOTAL OF A & B: _____

SITE IMPROVEMENT COST ESTIMATE: \$ 3,957.00

A. 4% OF FIRST \$50,000.00
B. 2% OF REMAINDER

A. 158.28
B. _____

TOTAL OF A & B: 7158.28

AS OF: 11/17/93

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 93- 25

PER WORK DONE PRIOR TO: 11/17/93

TASK-NO	REC	--DATE--	TRSH	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
-----DOLLARS-----											
93-29	77171	09/01/93		RUE	WS HARONEY	70.00	0.40	28.00			
93-29	77172	09/01/93		RUE	PM HARONEY & SHAW	70.00	0.50	35.00			
93-29	76039	09/08/93		RUE	NH DISAPP TO TRA	70.00	0.10	7.00			
93-29	77370	09/08/93		RUE	MC HARONEY S/P	70.00	0.50	35.00			
93-29	77895	09/08/93		SBS	CL HARONEY'S	25.00	0.50	12.50			
93-29	78420	09/22/93		RUE	MC HARONEY ZBA REF	70.00	0.50	35.00			
93-29	78434	09/23/93		RUE	MC HARONEY TRA REF	70.00	0.30	21.00			
93-29	81775	11/08/93		RUE	MC HARONEYS	70.00	0.40	28.00			
93-29	81789	11/09/93		MCX	CL W/REVIEW COMMENTS	25.00	0.50	12.50			
93-29	80914	11/10/93		RUE	PM HARONEY COND APPL	70.00	0.10	7.00			
TASK TOTAL						221.00	0.00	0.00			
GRAND TOTAL						221.00	0.00	0.00			

Shaw Engineering

Consulting Engineers

November 15, 1993

744 Broadway
P.O. Box 2569
Newburgh, New York 12550
(914) 561-3695

TOWN OF NEW WINDSOR PLANNING BOARD
555 Union Avenue
New Windsor, New York 12550

Att: Mark Edsall, P.E., Planning Board Engineer

Re: Private Improvement Estimate
Jim Moroney's Cycle Shop

OK 11/17/93
Coye

Dear Mark:

Pursuant to the direction of the New Windsor Planning Board at their November 10, 1993 meeting, I have presented below an estimate for the new site improvements of the above referenced project:

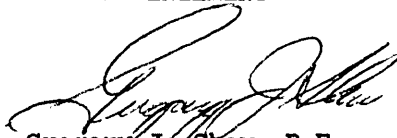
PRIVATE IMPROVEMENT ESTIMATE

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
<u>Roadway</u>			
Gravel Drive	300 S.Y.	\$ 5	\$ 1,500
Masonry Refuse Encl.	1	\$ 1,500	\$ 1,500
Concrete Wheelstops	11	\$ 15	\$ 165
Handicapped Sign/Striping	1	\$ 100	\$ 100
Pavement Striping	480	\$.40	\$ 192
Planter/Shrubs/Walk	1	\$ 500	\$ 500
Total			\$ 3,957

I trust this estimate will be acceptable to your office.

Respectfully submitted,

SHAW ENGINEERING


Gregory J. Shaw, P.E.
Principal

GJS:mmv

cc: Pat Moroney

RESULTS OF P.B. MEETING

DATE: November 10, 1993

PROJECT NAME: Masonry Cycle Shop S.P. PROJECT NUMBER 93-29

LEAD AGENCY:

* NEGATIVE DEC:

M) V S) 0 VOTE: A 4 N 0

* M) V S) L VOTE: A 4 N 0

CARRIED: YES ✓ NO

* CARRIED: YES: ✓ NO

PUBLIC HEARING: M) 0 S) L VOTE: A 4 N 0

WAIVED: YES ✓ NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) L S) V VOTE: A 4 N 0 APPR. CONDITIONALLY: 11-10-93

NEED NEW PLANS: YES ✓ NO

DISCUSSION/APPROVAL CONDITIONS:

Dumpster to be relocated to the rear of bldg. (Masonry)
Permit Estimate Due
Need Time Approval in writing

MORONEY'S CYCLE CENTER

MR. NUGENT: Referred by the Planning Board. Request for 74 ft. total side yard variance and 58% developmental coverage for construction of addition at location on Union Avenue in a C zone.

Gregory Shaw of Shaw Engineering and Pat Moroney appeared before the board for this proposal.

MR. SHAW: With me tonight is Pat Moroney, I'm sure the majority of the board members know. Short and simple, Moroney's Cycle Shop on Union Avenue, it is in the C zone, the lot size is about 47,000 square feet, and in the zone C is design shopping, we're required to provide 40,000 just to give you a feel for the site. What we're proposing are two additions, one is to square off for lack of a better term, the southeasterly corner called addition number one and the second addition designated as addition number 2 and that is to the north that will be approximately 3,136 square feet of space. If you take a look at the zoning schedule, you'll see that as per the building inspector and the Planning Board's engineer's request, I've broken it up two ways, for retail stores and also for motor vehicle sales for those of you who might have ever been in Moroney's Cycle Shop, they sell motorcycles, the bulk of the area in the building, I shouldn't say the bulk, a good percentage is display of motorcycles and with that, there's a repair shop in the back. There's a little bit of office space, and Mr. Babcock felt it was appropriate to break out the schedule for both retail stores which is use one and motor vehicle sales which is use two and then select a variance for the most stringent criteria. He also couched his words carefully he thought this is the way the Zoning Board might like to see it broken up but it may be changed so what we're looking for are two variances. We're looking for a side yard setback in the use one, we're required to provide 70 and we're only providing 26, requiring 44 foot variance. But more stringently motor vehicle sales we're required to provide 100 foot side yard setback both and again we're providing 26 so we need 74 feet. The other criteria is developmental coverage, under retail stores, that is not applicable.

But under motor vehicle sales, and again I think you have to take into context motor vehicle sales is what's normally expected versus a motorcycle sales business, we only are permitted developmental coverage of ten percent, with the new additions, we have a developmental coverage of 68 percent. That may seem a lot but I might add that the 2 additions only increase the developmental coverage by 9 percent so right now, we're at 59 percent before the additions even go up. So, with that, I'll answer any questions you have. There's a bunch of other criteria that I have added under column that denotes pre-existing non-conforming conditions which they did not feel was appropriate for a variance.

MR. LUCIA: Building I think certainly is after zoning so I gather it does not pre-exist zoning.

MR. SHAW: Correct.

MR. LUCIA: Pre-existing, does it pre-exist zoning?

MR. SHAW: Mike, correct me if I am wrong but the way I understand it, from our workshop session, with the addition, we're not increasing the setbacks or any other criteria to a greater degree. Perfect example one side yard setback, we're required to provide either 30 feet or 50 feet dependent on whether it's retail stores or motor vehicle sales or minimum side yard setback is four feet.

MR. LUCIA: Yeah, that is a good example. I think normally pre-existing non-conforming means the building with that 4 foot side yard either pre-existed zoning entirely in the Town of New Windsor in other words existed before January 1.

MR. BABCOCK: Right.

MR. LUCIA: Or if it was zoned differently when this building was put up and that side yard was permitted then it would pre-exist but I'm not sure any zone in Town ever had 4 foot side yard permitted.

MR. BABCOCK: It was OLI, it's just been recently

changed to C.

MR. LUCIA: Four feet would have been under requirement even for OLI.

MR. BABCOCK: Back in 1973, when they got the building permit according to the application it was a GB zone, I'm not sure what that is.

MRS. BARNHART: General Business.

MR. BABCOCK: Before my time of course they do have a building permit and they do have a C.O. for the structure that is there.

MR. TANNER: Including that covered storage area too Mike?

MR. BABCOCK: Well, I'm not going to, I haven't got that far yet but they have.

MR. LUCIA: I see why you call it pre-existing my question is whether or not it's whether this board would consider that.

MR. SHAW: I call it pre-existing because that is how the wording was given to me right now the side yard setback is four feet with putting on addition number one we're building to within four feet of the line. Knowing full well that your side yard for one is 30 feet and 50 feet but because the existing side yard setback one is presently 4 feet, then we can go up to that 4 foot mark and not require a variance. That was the way it was told to me and I hope that it is correct.

MR. LUCIA: I understand your argument, I think this board's understanding of pre-existing non-conforming was legal pre-existing non-conforming.

MR. SHAW: Is there better terminology that would be more appropriate.

MR. LUCIA: The reason I raise it is if you're going to present it this way maybe the board wants to add line

items now to put in 46 foot on one side yard and 74 foot on both I guess. There may be other deficiencies there. I haven't gone over one of them but you know without showing what the GB zone requirements were in 1973, I think the board isn't necessarily going to accept it as a legal pre-existing non-conforming, yes, it is but it may not be there legally, as you may have heard from previous discussions, the building permit was issued improperly, it needed a variance issued but didn't get it, we can address that now.

MR. LANGANKE: So what you're saying we should maybe improve on the variance request?

MR. LUCIA: Yes, unless they can establish that in whatever the requirements for GB zone in 1973 you could go down as close as a 4 foot side yard.

MR. TORLEY: I don't see a down side of adding that variance request to your package.

MR. SHAW: I'm in your hands, I guess I'm a little confused because are we just talking about 4 foot side yard setback? Does that open the door for many more cause there are other pre-existing?

MR. LUCIA: Why don't we go through each of the ones shown as pre-existing, the lot size.

MR. SHAW: Lot size we're, well, here we go. The lot size we're fine with respect to retail stores. But we're not fine for motor vehicle sales requiring five acres.

MR. LUCIA: I guess part of one relevant inquiry how long I mean historically the lot was 4,045 feet before the adoption of zoning it probably is pre-existing.

THE SHAW: Well, this property was formally zoned OLI.

MR. BABCOCK: Yes, OLI.

THE SHAW: What was OLI? Well, I guess what I am saying is what's OLI now, 40000 square feet or what was OLI?

MR. BABCOCK: One of the problems is that this is not a permitted use in an OLI zone so what use do you use? I think that if the board I mean we can modify the denial if we feel that some of these other things are variance request, one variance for basically for the price of the same price, so if you want a new denial we can do that, that is not a problem.

MR. LUCIA: I just need the board's input on what it is they think you should do.

MR. TANNER: Why don't we first decide on which we want to use, use one or use two and then work from that point. My personal preference is use number one.

MR. BABCOCK: In his building permit file, there's an existing, it's not a stamped and I don't know what's changed but there's an existing building 100 by 100 and that is what this building measurement is, is that right?

MR. SHAW: Correct, the original building was this, without this, without any of that, this is your 100 feet by 100 foot that rectangle.

MR. BABCOCK: So it was built with a 20 foot side yard, 70 foot there.

MR. LUCIA: At some point the building was expanded to the south.

THE SHAW: Correct. I think I have paperwork for addition in my file there was a variance that was given for that also.

MR. LUCIA: It may well be pre-existing non-conforming if it has been varied to go all the way out to that covered storage area, maybe we don't have an issue but I think we need the history on it to determine whether you need to put it in as a specific line item.

MR. TORLEY: Do we need a motion on the interpretation?

MR. LUCIA: No, I think Mike can amend the denial.

MR. BABCOCK: What use do you want me to use?

MR. TANNER: In my opinion I think retail store.

MR. BABCOCK: Which is what?

MR. TANNER: Use one.

MR. BABCOCK: Let me explain why in motor vehicle sales most of the display area is outside, that is why you have 5 acres. Mr. Moroney's display area is inside much as a retail store. And he isn't going to be using the outside for displaying the product. I think it's more line with the retail store use even though he's selling motor vehicles.

THE SHAW: If I can interject, I would agree with you but that comes back to haunt us when we go before the Planning Board if it is considered retail, we have to provide one space for every 150 square feet. If you walked in the shop and saw his bikes displayed one parking space for every 150 feet of retail space would not be appropriate. That is how we got into juggling them so please keep that in mind when you deliberate.

MR. TANNER: But we can't use both of them.

MR. LUCIA: Compute out you're required parking for retail store and ask for a variance on it.

MR. TORLEY: That might be easier. It looks like a smaller variance if you are asking for a few less parking spaces than if you are asking for 4 acre variance.

MR. MORONEY: Plus a bike takes up less room than a car.

MR. SHAW: I understand if we feel retail is appropriate, one board member thought it was.

MR. TORLEY: I would go along with that.

MR. HOGAN: I agree.

MR. LANGANKE: I agree.

MR. BABCOCK: Now if we find paperwork where there was a variance issued for this addition, I don't think we have it.

MR. TANNER: That is the covered storage that is my concern. I don't want them to get into trouble with that.

MR. BABCOCK: What we're going to do all the pre-existing ones you're going to give me what the difference is using one in retail except for this one here if you have got a variance for it. We'll say that that variance on the sheet over there instead of saying pre-existing.

THE SHAW: I have a variance for this, not this.

MR. BABCOCK: Then let's ask for it.

THE SHAW: Yeah, this is my problem, cold weather is coming and I'll ask for whatever variances you think is appropriate. I just need to know as quick as possible two weeks unfortunately means a lot so I'd like to at least get this behind us.

MR. BABCOCK: This shouldn't change anything as far as timing we can give him the new numbers tomorrow. What the board is trying to say they are trying to protect you and make sure you're covered.

THE SHAW: I'm not arguing with you.

MR. LUCIA: Just to review if you use the one retail store, you're okay on lot area, you're okay on lot width, you are okay on front yard setback, you need a side yard variance for one side yards, you need a total side yard variance, rear yard setback is fine, street frontage is not applicable, floor area ratio is okay. You need a variance for maximum building height and you'll have to do parking computation for retail sales and apply for whatever variance is needed on the number

of spaces.

MR. SHAW: That is a deal.

MR. BABCOCK: Just as soon as you get me the numbers I'll send you the paperwork.

MR. TANNER: Do you know how wide the covered storage area is by any chance?

MR. MORONEY: About 20 feet.

THE SHAW: This is I'd say it's only about 12 feet.

MR. SHAW: Do you need to see any paperwork?

MR. BABCOCK: The numbers.

THE SHAW: Such as the variance or anything else?

MR. BABCOCK: No, I can do the numbers on the side yard if you can work with me to get them done.

THE SHAW: I'll work with you tomorrow. I'm talking about any variance paperwork, things of that nature.

MR. BABCOCK: No, they'll give it to you right now.

MR. LANGANKE: I make a motion we set him up for a public hearing.

MR. TORLEY: Second it.

ROLL CALL

MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. LUCIA: This is commercial so it is \$150 application fee and \$482 deposit against Town consultant review fees and various disbursements the board has. I'll give you a copy 267B of the Town Law,

Speak to the 5 specific issues on there, when you return, I'd appreciate it. There's an arrow in the margin next to the applicable paragraphs. Redo your numbers, submit your application and we'll set it up for a public hearing.

ZONING BOARD OF APPEALS
Regular Session
September 27, 1993

AGENDA:

7:30 P.M. - ROLL CALL

Motion to adopt the minutes of the 9/13/93 meeting as written if available.

PRELIMINARY MEETING:

SET UP
FOR P/H 1. WASHAW, SONNIE - Request for 10 ft. rear yard and 6/6 ft. side yard variances for existing deck and pool located at 23 Vails Gate Hgts. Drive in R-5 zone. (71-1-10). ✓

SET UP
FOR P/H 2. HANRETTA, JOHN - Request for 5 ft. side yard variance to construct a 12 x 17 ft. addition to residential dwelling located at 231 Leslie Avenue in an R-4 zone. (24-9-8). ✓

SET UP
FOR P/H 3. ANDERSON, HERBERT - Request for 13 ft. 8 in. front yard variance plus a variance from Section 48-14A(4) of the Supplementary Yard Regulations which allows structure to project closer to road than principal building, at 267 Riley Road in an R-3 zone. (35-1-86.1). ✓

SET UP
FOR P/H 4. MARSHALL, PETER - Request to allow 5 ft. fence closer to road than principal building contrary to Sec. ~~48-14C(1)~~ of the Supplementary Yard Regulations. Applicant applied for and has building permit for fence; location 12 Ona Lane in R-4 zone. (8-6-3). 48-14C-1-C

SET UP
FOR P/H 5. SCHILLER, ARON - Referred by Planning Board. Request for 48,000 s.f. lot area, 59 ft. lot width, 23 ft. front yard, 11.5 ft. side yard, 2.6 ft. rear yard, 2.75 max. bldg. height and a use variance for proposed used car/boat sales w/ retail parts sales and assoc. warehouse parts storage to be located at 133 Walsh Road in a PI zone. (9-1-61). 48-14(B)

SET UP
FOR P/H 6. MORONEY'S CYCLE CENTER - Referred by Planning Board. Request for 74 ft. total side yard variance and 58% developmental coverage for construction of addition at location on Union Avenue in a C zone. Present: Greg Shaw, P.E. (4-1-9.22).

PUBLIC HEARING:

TABLE 7. MUGNANO, PASQUALE - Public hearing continued. Request for use variance for barber shop in residence on 2 Cimorelli Drive in n R-4 zone. (7-1-20).

TABLE TO 10-25-93

FORMAL DECISIONS: (1) KWG REALTY (GALLAGHER'S)

BERRY
MAROULIS PAT - 563-4630 (O)
HARNETT 562-7107 (H)

APPROVED

NEW WINDSOR ZONING BOARD OF APPEALS

RECEIVED

MAR 30 1985

-----x
In the Matter of the Application of
JAMES MORONEY

SHAW ENGINEERING
DECISION GRANTING AREA
VARIANCES

85-8 .
-----x

WHEREAS, JAMES MORONEY of 813 Union Avenue,
New Windsor, N.Y. (OLI zone), has made application before the
Zoning Board of Appeals for area variances for the purposes of:
construction of an addition which will require several area variances ;
and

WHEREAS, a public hearing was held on the 11th day of
March, 19 85 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicants appeared with his engineer, Gregory J.
Shaw, Shaw Engineering, Newburgh, N. Y.; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that applicant has an existing
building which is situated in the center of a lot which is 59% of
the minimum lot size required by the Zoning Local Law.

3. The evidence shows that by maintaining the minor set-
backs required by the OLI zone, the applicant would not now, or in
the future, be able to construct an addition of any size to his
business without acquiring additional land.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

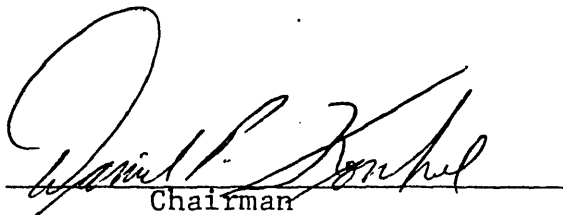
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a 2 ft. frontyard; 42 ft. sideyard; 12 ft. bldg. hgt., and .06% floor area ratio variances in accordance with plans submitted at the public hearing and dated 2/4/85.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: March 25, 1985.


Chairman

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 8

Request of JAMES MARONEY

for a VARIANCE ~~SPECIAL PERMIT~~ of the regulations of the Zoning Ordinance to

permit construction of a 32 ft. x 68 ft. addition to be located on the south side of the existing building with insufficient frontyard, sideyard, height and floor area ratio, being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-12 - Table of Bulk Regs., Cols. 6, 7, 9 & 10, for property situated as follows:

known as Jim Maroney's Cycle Shop, located on

the westerly side of Union Avenue, approximately 1000 ft. north of Route 207, Town of New Windsor, N.Y., known and designated as Tax Map Section 4-Blk. 1-Lot 9.22.

SAID HEARING will take place on the 11th day of

March, 19 85, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

DANIEL P. KONKOL,
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: March 12, 1985

Mr. Gregory J. Shaw, P. E.
SHAW ENGINEERING
182 Grand Street
Newburgh, N. Y. 12550

RE: APPLICATION BEFORE THE ZONING BOARD OF APPEALS
85-8 - MORONEY, JAMES

Dear Greg:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was granted
at a meeting held on the 11th day of March, 1985.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do
not hesitate to call me.

Very truly yours,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg./Zoning Inspector
Town Planning Board

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

85-8

Date: 2/21/85

I. Applicant Information:

- (a) JAMES MARONEY, 813 Union Avenue, New Windsor, N. Y. x
(Name, address and phone of Applicant) (Owner)
- (b) n/a
(Name, address and phone of purchaser or lessee)
- (c) n/a
(Name, address and phone of attorney)
- (d) n/a
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) OLI 813 Union Avenue, New Windsor 4-1-9.22 1.08 acres +
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1973
- (e) Has property been subdivided previously? no When? -
- (f) Has property been subject of variance or special permit previously? yes When? 1973
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? Yes
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance: n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Cols. 6, 7, 9 & 10.

Requirements	Proposed or Available	Variance Request
Min. Lot Area 80,000 s.f.	47,045 s.f.	-
Min. Lot Width 200 ft.	200 ft.	-
Reqd. Front Yd. 100 ft.	98 ft.	2 ft.
Reqd. Side Yd. 50' / 110'	15' / 68'	35' / 42'
Reqd. Rear Yd. 50 ft.	52 ft.	-
Reqd. Street Frontage*		-
Max. Bldg. Hgt. 5 ft.	17 ft.	12 ft.
Min. Floor Area*		-
Dev. Coverage*	%	- %
Floor Area Ratio** .20	.26	.06

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

See attached Insert I

VI. Sign Variance: n/a

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit: n/a

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Presently there exists two concrete block walls which are attached to the building. The applicant wishes to enclose this area by means of the proposed addition which will be of the same character and construction of the existing structure.

IX. Attachments required:

- x Copy of letter of referral from Bldg./Zoning Inspector.
x Copy of tax map showing adjacent properties.
n/a Copy of contract of sale, lease or franchise agreement.
x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
n/a Copy(ies) of sign(s) with dimensions.
x Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.
x Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date February , 1985

STATE OF NEW YORK)
)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

(Applicant)
JAMES MARONEY

Sworn to before me this
____ day of February , 1985.

XI. ZBA Action:

(a) Public Hearing date _____.

(b) Variance is _____.

Special Permit is _____.

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

INSERT I

V(b) The existing building is situated in the center of a lot which is 59% of the minimum lot size required by the Zoning Local Law. By maintaining the minor setbacks required by the OLI zone, the applicant would not now, or in the future, be able to construct an addition of any size to his business without acquiring additional land.

Therefore, strict compliance with the Zoning Local Law would result in practical difficulties.

Additionally, the proposed request will not result in a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties.

Finally, no efforts have been made by applicant to alleviate this difficulty as there is no relief available other than the granting of the area variances requested.

cc: Greg Shaw
Shaw Engineering

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date February 25, 1985

To James Maroney 564-5400
813 Union Ave.
New Windsor, N.Y. 12550

Represented by:
Greg Shaw, P.E.
561-3695

PLEASE TAKE NOTICE that your application dated February 13, 1985
for permit to Construct a concrete block addition
at the premises located at W. side Union Ave. (Maroney's Cycle Shop)
Tax Map Section 4 Block 1 Lot 9.22

is returned herewith and disapproved on the following grounds: OLI zone
min req. provided variance required

Front yd	100'	98'	2'
Side yd	50/100	53'/68.2	41.8
max ht.	6'/ft. nearest to 5' this application	17	12'

Note:

Applicant received a use variance
on 3/5/73 for this site. However, no
yard or Hgt variances were granted
at that time.

Although applicant did receive a site
plan approval on 6/27/73, the bldg.
was not set per the approved plan.

Building Inspector

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date JAN 10, 1972

To JAMES MORANEY

PLEASE TAKE NOTICE that your application dated JAN 3, 1972
for permit A CYCLE CENTER - FOR SALE OF MOTORCYCLES & REPAIRS
at the premises located at UNION AVENUE

is returned herewith and disapproved on the following grounds:

NOT PERMITTED IN AN OLI ZONE

Harold R. Cocchi
Building Inspector

APPLICATION FOR VARIANCE

Application No. 73-2Date: January 2, 1973

Approved 6-27-73

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINEBOR, NEW YORK

I (We) JAMES MORONEYof River Road

(Street & Number)

NewburghNew York

(State)

HEREBY MAKE

APPLICATION FOR A VARIANCE:

- A. Location of the Property Unlon Avenue (no number) OLI
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Article III §48-12
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because:

 2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: Applicant's use is not inconsistent with other uses permitted in an OLI district nor is the use specifically prohibited in the OLI district

 3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: Applicant owned the lot prior to the change in zoning on Unlon Avenue.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The variance being sought between the OLI zone and the general business district is one of degree and would not change the character of the area, which is largely commercial and in which other variances have been granted.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: Other variances have been granted on Union Avenue for commercial uses, which are slightly different from those permitted in the zoned district but do not vary in such a degree as to constitute a frustration of the intent of the ordinance. In addition, the building when completed would constitute a desirable tax ratable for the Town.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

The property is to be used for a cycle shop according to plans submitted herewith.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: January 2, 1973

James M. Marmey
Signature of Applicant

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 2nd day of January, 1973.

River Road, Newburgh, New York
Address

562-1474

Telephone Number

Notary Public
J. DRAKE
NOTARY PUBLIC IN THE STATE OF NEW YORK
COMMISSION EXPIRES FOR ORANGE COUNTY
JANUARY 1, 1975

(DO NOT WRITE IN THIS SPACE)

Application No. 73-2

Date of Hearing 2/15/73

Date of Decision 3/5/73

Date Received 1/2/73

Notice Published 1/5/73

DECISION:

granted subject to rec. of O.C.P.D. site

#1 ZBA 9-27-93
SET UP FOR P/H

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 93-29

DATE: REVISED 9-28-93

APPLICANT: JAMES MARONEY

10-25-93
ZBA APPROVED

813 UNION AVE

NEW WINDSOR NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 9-2-93

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT UNION AVE 813-817

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 9.22

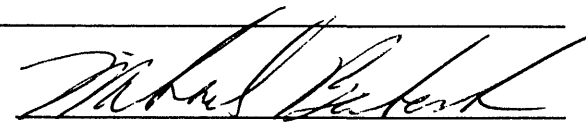
EXISTING CYCLE SALES

IS DISAPPROVED ON THE FOLLOWING GROUNDS: #1 SIDE YARD

#2 TOTAL SIDE YARD

#3 MAX BLDG. HT

#4 O/S PARKING SPACES



MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTSPROPOSED OR
AVAILABLEVARIANCE
REQUEST

ZONE	USE			
C	A-1			
MIN. LOT AREA	40,000 SQ FT	47,045 SQ FT		
MIN. LOT WIDTH	200 FT	200 FT		
REQ'D FRONT YD	60 FT	66 FT		
REQ'D SIDE YD.	30 FT	4 FT	26 FT	
REQ'D TOTAL SIDE YD.	70 FT	26 FT	44 FT	
REQ'D REAR YD.	30 FT	53 FT		
REQ'D FRONTAGE	NA	200 FT		
MAX. BLDG. HT.	4" / FT = 1.25 FT	17 FT	15.75 FT	
FLOOR AREA RATIO	0.50	0.37		
MIN. LIVABLE AREA	NA	NA		
DEV. COVERAGE	NA %	NA %		
O/S PARKING SPACES	58	22	26	

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 93-29

DATE: 22 SEPT 93

APPLICANT: JAMES MARONEY

813 UNION AVE

NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 2 SEPT 93

FOR (~~SUBDIVISION~~) - SITE PLAN) _____

LOCATED AT UNION AVE. (813-817)


_____ ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 9.22

EXISTING CYCLE SALES ESTAB.

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

AREA VARIANCES REQUIRED FOR TOTAL SIDE YARD
SETBACK, DEVELOPMENT COVERAGE.


MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u>	USE <u>A-1/A-2.1</u>		
MIN. LOT AREA	<u>40,000 SF / 5 Acres</u>	<u>47,045 SF *(i)</u>	<u>*(i)</u>
MIN. LOT WIDTH	<u>200 FT / 200 FT</u>	<u>200 FT</u>	<u>—</u>
REQ'D FRONT YD	<u>60 FT / 100 FT</u>	<u>66 FT *(i)</u>	<u>*(i)</u>
REQ'D SIDE YD.	<u>30 FT / 50 FT</u>	<u>4 FT *(i)</u>	<u>*(i)</u>
REQ'D TOTAL SIDE YD.	<u>70 FT / 100 FT</u>	<u>26 FT</u>	<u>74 FT</u>
REQ'D REAR YD.	<u>30 FT / 50 FT</u>	<u>53 FT</u>	<u>—</u>
REQ'D FRONTAGE	<u>N/A / 50 FT</u>	<u>200 FT</u>	<u>—</u>
MAX. BLDG. HT.	<u>4' / FT = 1:25 FT / 18 FT</u>	<u>17 FT *(i)</u>	<u>*(i)</u>
FLOOR AREA RATIO	<u>0.50 / N/A</u>	<u>0.37</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>	<u>—</u>
DEV. COVERAGE	<u>N/A / 10 %</u>	<u>68 %</u>	<u>58 %</u>
O/S PARKING SPACES	<u>22</u>	<u>24</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

*(i) Pre-existing non-conforming condition

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

#128A 9-27-93
SET UP FOR P/H

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 93-29

DATE: 22 SEPT 93

APPLICANT: JAMES MARONEY

813 UNION AVE

NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 2 SEPT 93

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT UNION AVE. (813-817)

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 9.22


EXISTING CYCLE SALES ESTAB.

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

AREA VARIANCES REQUIRED FOR TOTAL SIDE YARD
SETBACK, DEVELOPMENT COVERAGE.

REVISED
9-28-93

SEE NEW
DISAPPROVAL


MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>C</u>	USE <u>A-1</u>		
MIN. LOT AREA	<u>40,000 SF</u>	<u>47,045 SF</u>	
MIN. LOT WIDTH	<u>200 FT</u>	<u>200 FT</u>	
REQ'D FRONT YD	<u>60 FT</u>	<u>66 FT</u>	
X REQ'D SIDE YD.	<u>30 FT</u>	<u>4 FT</u>	
X REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>26 FT</u>	
REQ'D REAR YD.	<u>30 FT</u>	<u>53 FT</u>	
REQ'D FRONTAGE	<u>N/A</u>	<u>200 FT</u>	
X MAX. BLDG. HT.	<u>4'11" FT = 1.25 FT</u>	<u>17 FT</u>	
FLOOR AREA RATIO	<u>0.50</u>	<u>0.37</u>	
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>	
DEV. COVERAGE	<u>N/A</u> %	<u>68</u> %	%
X O/S PARKING SPACES		<u>24</u>	

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

REGULAR ITEMS:

JIM MORONEY'S SITE PLAN (93-29) UNION AVENUE

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: I'm sure the board is familiar with Jim Moroney's site on Union Avenue. It's located in the C zone, designed shopping. What we're proposing is to put two additions on to the building, one to the north and one to the south. The one to the south would be approximately 1,200 square feet. It would square off the present configuration of the present building and addition number two would be approximately 3,100 square feet and that would be to the north. Take a look at the zoning schedule, we're required to go to the Zoning Board of Appeals at least that is my opinion and your consulting engineer's opinion that we're required to provide one variance, that being for side yard setback. There are some other non-conforming conditions but they are pre-existing so it is our opinion that they do not require review by the Zoning Board of Appeals. So what I am proposing is that the board reject this application tonight to allow us to go to the Zoning Board of Appeals and to get relief for the side yard setbacks.

MR. VAN LEEUWEN: What's the side yard on the north side?

MR. SHAW: On the north side, it's 22 feet and it's designated as such.

MR. VAN LEEUWEN: I make a motion we approve it.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve Moroney's site plan on Union Avenue. Is there any further discussion from any of the board members? If not, roll call.

ROLL CALL

September 8, 1993

5

MR. VAN LEEUWEN	NO
MR. SCHIEFER	NO
MR. LANDER	NO
MR. DUBALDI	NO
MR. PETRO	NO

MR. SHAW: Thank you.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 10-14-93

APPLICANT: JAMES MARONEY
813 UNION AVE
NEW WINDSOR NY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 9-2-93

FOR (BUILDING PERMIT): SIGNS

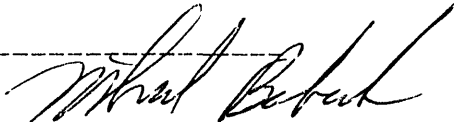
LOCATED AT: 813 UNION AVE

ZONE: C

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 9.22

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. TOTAL SQ FT OF FREESTANDING SIGNS
2. TOTAL SQ FT OF WALL SIGNS
3. TOTAL FREESTANDING SIGNS
4. TOTAL WALL SIGNS
5. _____


BUILDING INSPECTOR

	<u>PERMITTED</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
(#3) ZONE <u>C</u> USE <u>A-1</u>			
TOTAL FREESTANDING SIGN	<u>1</u>	<u>2</u>	<u>1</u>
(#1) FREESTANDING	<u>40 SQ FT</u>	<u>100 SQ FT</u>	<u>60 SQ FT</u>
HEIGHT			
(#2) WALL SIGNS	<u>20 SQ FT</u>	<u>118 SQ FT</u>	<u>98 SQ FT</u>
TOTAL ALL SIGNS			
FEET FROM ANY LOT LINE			
(#4) TOTAL WALL SIGNS	<u>1</u>	<u>6</u>	<u>5</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF
 APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

DATE: September 8, 1993

PROJECT NAME: Morony Cycle Shop PROJECT NUMBER 93 29

LEAD AGENCY:

* NEGATIVE DEC:

M) _____ S) _____ VOTE: A _____ N _____

* M) _____ S) _____ VOTE: A _____ N _____

CARRIED: YES _____ NO _____

* CARRIED: YES: _____ NO _____

PUBLIC HEARING: M) ___ S) ___ VOTE: A ___ N ___

WAIVED: YES _____ NO _____

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) V S) L VOTE: A 0 N 5 YES _____ NO ✓

RETURN TO WORK SHOP: YES _____ NO _____

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: MORONEY'S CYCLE SITE PLAN
PROJECT LOCATION: ROUTE 300 (UNION AVENUE)
SECTION 4 - BLOCK - LOT 9.22
PROJECT NUMBER: 93-29
DATE: 8 SEPTEMBER 1993
DESCRIPTION: THE PROJECT INVOLVES TWO (2) PROPOSED ADDITIONS
TO THE EXISTING BUILDING ON UNION AVENUE. THE
PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The project is located within the design shopping (C) Zoning District of the Town. The application plan indicates the use as retail sales. The Board should confirm that this use classification is accurate for the plan submitted.

Based on the indicated use, the required bulk information appears correct for the C Zone, use A-1. The plan notes the existence of several non-conforming existing conditions and further notes the need for a side yard setback (total) variance.

2. It appears from the plan that the scope of the project is limited to the two (2) building additions, as well as the construction of a new landscaping planter, new parking striping delineation, a new refuse enclosure and a gravel area to the north of the building. If any other work is proposed, same should be further identified by the Applicant.
3. Based on a cursory review of the plan as submitted, I have the following concept comments:
 - a. I question whether the location of the refuse enclosure (at the front left corner of the property), is appropriate;
 - b. Based on the number of parking spaces provided, two (2) handicapped spaces are necessary;
 - c. I question the intended use of the "new gravel surface" to the north of the building. Is this area intended for vehicle storage?

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

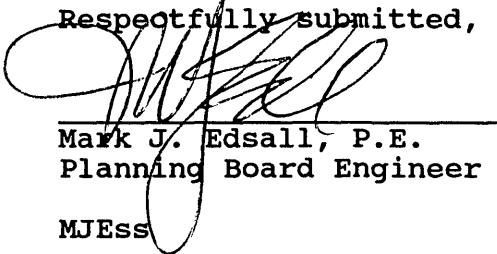
PROJECT NAME: MORONEY'S CYCLE SITE PLAN
PROJECT LOCATION: ROUTE 300 (UNION AVENUE)
SECTION 4 - BLOCK - LOT 9.22
PROJECT NUMBER: 93-29
DATE: 8 SEPTEMBER 1993

-2-

d. There appears to be little or no room for the installation of a project sign. If one is proposed, same should be indicated on the plan and a detail provided.

4. Once the Planning Board has completed their concept review of this plan and the Applicant returns from the Zoning Board of Appeals with all necessary Variances, I will be pleased to continue the technical review of the Site Plan, as deemed appropriate by the Planning Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEss

a:moroney.ss

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 15 November 1993
SUBJECT: Jim Moroney's Cycle Shop

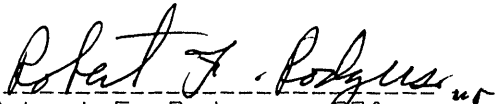
PLANNING BOARD REFERENCE NUMBER: PB-93-29
DATED: 3 November 1993

FIRE PREVENTION REFERENCE NUMBER: FPS-93-065

A review of the above referenced subject site plan was conducted on 9 November 1993.

This site plan is acceptable.

PLANS DATED: 1 November 1993; Revision 2.


Robert F. Rodgers; CCA
Fire Inspector

RFR:mr
Att.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 93 - 29

DATE PLAN RECEIVED: SEP - 3 1993

The maps and plans for the Site Approval ✓

Subdivision _____ as submitted by

_____ for the building or subdivision of

MORONEY'S CYCLE has been
reviewed by me and is approved ✓

disapproved _____

If disapproved, please list reason _____

NO NEW SEWER SERVICES ADDED

HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

[Signature] 9.20.93
SANITARY SUPERINTENDENT DATE

INTER OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 8 September 1993
SUBJECT: Jim Moroney's Cycle Shop

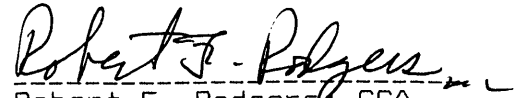
PLANNING BOARD REFERENCE NUMBER: PB-93-29
DATED: 3 September 1993

FIRE PREVENTION REFERENCE NUMBER: FPS-93-051

A review of the above referenced subject site plan was conducted
on 3 September 1993.

This site plan is acceptable.

PLANS DATED: 1 September 1993.


Robert F. Rodgers, CCA
Fire Inspector

RFR:mr
Att.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Millford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 93-29
WORK SESSION DATE: 1 SEPT 1993 APPLICANT RESUB.
REQUIRED:
REAPPEARANCE AT W/S REQUESTED: _____
PROJECT NAME: Maroney
PROJECT STATUS: NEW _____ OLD _____
REPRESENTATIVE PRESENT: Greg Thaw
MUNIC REPS PRESENT: BLDG INSP. VAC
FIRE INSP. RICH
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Left new plan

4MJ91 pbwsform



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 93-29
WORK SESSION DATE: 4 AUG 93 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: No REQUIRED: new plan
PROJECT NAME: Marina
PROJECT STATUS: NEW X OLD _____
REPRESENTATIVE PRESENT: Greg Stan, Pres.
MUNIC REPS PRESENT: BLDG INSP. VAC
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

drawings signed
drawings pkg reg'd
need variances for side yd
setbacks & bldg ht.
next avail agenda
after plan

4MJE91 pbwsform



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF New Windsor

P/B # 93 - 29

WORK SESSION DATE: 21 APR 93

APPLICANT RESUB.
REQUIRED: later/full

REAPPEARANCE AT W/S REQUESTED: Yes

PROJECT NAME: MACONEY'S S/P Am

PROJECT STATUS: NEW X OLD _____

REPRESENTATIVE PRESENT: Jim Maroney

MUNIC REPS PRESENT: BLDG INSP. X
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

A-21 or A-1 went from OLI → C
note: re-bulk Bulk table

* needs side yd. variance 50/100 15.1+17 2BA referral needed
don't csg etc not changing.

lot A ?

break up SF of exist bldg for uses for parking calcs.
take loading dock off plan - shown on R
wants to put parking in rear - do grading -
may need retaining wall

4MJEP1 pbweform

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

(This is a two-sided form)

APPLICATION FOR SITE PLAN, SUBDIVISION PLAN,
OR LOT LINE CHANGE APPROVAL

1. Name of Project New Addition for Jim Moroney Cycle Shop
2. Name of Applicant James Moroney Phone 564-5400
Address 813 Union Avenue, New Windsor, N.Y. 12553
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record James Moroney Phone 564-5400
Address 813 Union Avenue, New Windsor, N.Y., 12553
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Gregory J. Shaw, P.E. Phone 561-3695
Address 744 Broadway, Newburgh, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Gregory J. Shaw, P.E. Phone 561-3695
(Name)
7. Location: On the West side of Union Avenue
(Street)
1000 feet North of N.Y.S. Route 207
(Direction) (Street)
8. Acreage of Parcel 1.08 Ac 9. Zone C, 9A. School Dist Newburgh CSD
9B. If this property is within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District, please complete the attached Agricultural Data Statement.
10. Tax Map Designation: Section 4 Block 1 Lot 9.22
11. This application is for Site Plan Approval

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No

If so, list Case No. and Name N/A

13. List all contiguous holdings in the same ownership N/A
Section _____ Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

James Moroney being duly sworn, deposes and says that he resides at 524 River Rd., Newburgh in the County of Orange and State of NY and that he is (the owner in fee) of Jimi Moroney's Inc.
(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized Patrick J. Moroney to make the foregoing application as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

2nd day of Sept. 1993

Lori Marie Moroney
Notary Public

James Moroney
(Owner's Signature)

Patrick J. Moroney
(Applicant's Signature)

pres
(Title)

Notary Public - State of New York
Lori Marie Moroney
Orange County #4733573
Term Expires Oct. 31, 1993

PROJECT I.D. NUMBER

617.21

SEP - 3 1993

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR James Moroney	2. PROJECT NAME New Addition for Jim Moroney Cycle Shop
3. PROJECT LOCATION: Municipality New Windsor County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Project is located on the west side of Union Ave., approximately 1000 feet north of N.Y.S. Rt. 207.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Project is the construction of a 3200 S.F. addition to an existing building which will contain retail, warehouse, and sales space to facilitate motor cycle sales. Additional parking will also be provided.	
7. AMOUNT OF LAND AFFECTED: Initially <u>1.08</u> acres Ultimately <u>1.08</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: Project is within a Commercial Zone; Commercial uses exist in the area.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Site Plan Approval - Town of New Windsor Planning Board Building Height; Side Yard setback requirement - Town of New Windsor Zoning Board.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>James Moroney</u> Date: <u>9/1/93</u>	
Signature: <u><i>James Moroney</i></u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
No	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
No	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
No	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
No	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
No	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
No	
C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
No	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
New Windsor Planning Board	
Name of Lead Agency	
James Petro	Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
Date	

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|--|--------------------------------------|
| 1. <u>X</u> Site Plan Title | 29 <u>N/A</u> Curbing Locations |
| 2. <u>X</u> Applicant's Name(s) | 30 <u>N/A</u> Curbing Through |
| 3. <u>X</u> Applicant's Address(es) | Section |
| 4. <u>X</u> Site Plan Preparer's Name | 31 <u>N/A</u> Catch Basin Locations |
| 5. <u>X</u> Site Plan Preparer's Address | 32 <u>N/A</u> Catch Basin Through |
| 6. <u>X</u> Drawing Date | Section |
| 7. <u>X</u> Revision Dates | 33 <u>N/A</u> Storm Drainage |
| | 34. <u>X</u> Refuse Storage |
| 8. <u>X</u> AREA MAP INSET | 35 <u>N/A</u> Other Outdoor Storage |
| 9. <u>X</u> Site Designation | 36 <u>N/A</u> Water Supply |
| 10. <u>X</u> Properties Within 500 Feet | 37 <u>N/A</u> Sanitary Disposal Sys. |
| of Site | |
| 11. <u>X</u> Property Owners (Item #10) | 38 <u>N/A</u> Fire Hydrants |
| 12. <u>X</u> PLOT PLAN | 39. <u>X</u> Building Locations |
| 13. <u>X</u> Scale (1" = 50' or lesser) | 40. <u>X</u> Building Setbacks |
| 14. <u>X</u> Metes and Bounds | 41 <u>N/A</u> Front Building |
| 15. <u>X</u> Zoning Designation | Elevations |
| 16. <u>X</u> North Arrow | 42 <u>N/A</u> Divisions of Occupancy |
| 17. <u>X</u> Abutting Property Owners | 43 <u>N/A</u> Sign Details |
| 18. <u>X</u> Existing Building Locations | 44. <u>X</u> BULK TABLE INSET |
| 19. <u>X</u> Existing Paved Areas | 45. <u>X</u> Property Area (Nearest |
| 20. <u>X</u> Existing Vegetation | 100 sq. ft.) |
| 21. <u>X</u> Existing Access & Egress | 46. <u>X</u> Building Coverage (sq. |
| | ft.) |
| <u>PROPOSED IMPROVEMENTS</u> | 47. <u>X</u> Building Coverage (% |
| 22. <u>N/A</u> Landscaping | of Total Area) |
| 23. <u>N/A</u> Exterior Lighting | 48. <u>X</u> Pavement Coverage (Sq. |
| 24. <u>N/A</u> Screening | Ft.) |
| 25. <u>N/A</u> Access & Egress | 49. <u>X</u> Pavement Coverage (% |
| 26. <u>X</u> Parking Areas | of Total Area) |
| 27. <u>X</u> Loading Areas | 50. <u>X</u> Open Space (Sq. Ft.) |
| 28. <u>N/A</u> Paving Details | 51. <u>X</u> Open Space (% of Total |
| (Items 25-27) | Area) |
| | 52. <u>X</u> No. of Parking Spaces |
| | Proposed. |
| | 53. <u>X</u> No. of Parking |
| | Required. |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: _____

 Licensed Professional
 Gregory J. Shaw, P.E.

Date: _____

7/1/93

SEP - 3 1993

PROXY STATEMENT
for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

James Moroney, deposes and says that he
resides at 813-817 Union Ave., New Windsor, N.Y. 12553
(Owner's Address)
in the County of Orange
and State of New York
and that he is the owner in fee of Section 4, Block 1, Lot 9.22

which is the premises described in the foregoing application and
that he has authorized Gregory J. Shaw, P.E.
to make the foregoing application as described therein.

Date: 9/1/93

James Moroney
(Owner's Signature)

Lori Duke
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

